



**MINUTES OF A REGULAR MEETING OF THE  
UPLAND PLANNING COMMISSION  
WEDNESDAY, FEBRUARY 22, 2023  
AT 6:30 P.M.**

**1. CALL TO ORDER OF THE PLANNING COMMISSION REGULAR MEETING**

Chair Aspinall called the regular meeting of the Upland Planning Commission to order at 6:30 p.m. in the Council Chambers of the Upland City Hall.

**2. PLEDGE OF ALLEGIANCE**

The pledge of allegiance was led by Commissioner Mayer.

**3. ROLL CALL**

Present: Chair Aspinall, Commissioners Caldwell, Johnson, Marotte, Mayer, and Staton.

Absent: Vice Chair Grahn

Staff present: Development Services Director and Planning Commission Secretary Dalquest, Planning Manager Farris, Development Services Technician Anaya, and Management Analyst Davidson.

**4. APPROVAL OF MINUTES**

It was moved by Commissioner Staton, seconded by Commissioner Marotte, and carried on a vote of 6-0, to approve the Regular Minutes of the Planning Commission meeting of December 14, 2022.

**5. COUNCIL ACTIONS**

Development Services Director Dalquest indicated that the City Council met on January 9, 2023, January 23, 2023, and February 13, 2023.

The reportable City Council actions from the January 9, 2023, meeting was a public hearing for Zoning Code Amendment No. ZCA-22-0003, regarding amendments to Freeway Signs regulations, and the adoption of the 2022 California Building Code.

Development Services Director Dalquest noted the reportable City Council actions from the January 23, 2023 meeting included the second reading of Zoning Code Amendment No. 22-0003, which will become effective 30 days from its adoption; and the adoption of Zoning Code Amendment No. 23-0001, and urgency ordinance regarding Accessory Dwelling Units, which became effective immediately upon adoption.

Development Services Director Dalquest noted there were no reportable City Council actions from the meeting on February 13, 2023.

**6. FUTURE AGENDA ITEMS**

Planning Manager Farris reported one future agenda item was anticipated to be heard by the Planning Commission on the March 22<sup>nd</sup> meeting; a conditional use permit for on-site alcohol sales for the Upland Sports Arena.

## **7. ORAL COMMUNICATIONS**

Chair Aspinall opened oral communications. There being no remote or in-person speakers, Chair Aspinall closed oral communications.

## **8. PUBLIC HEARINGS**

### **A. CONDITIONAL USE PERMIT NO. 22-0004**

**Project Description:** Consideration of Conditional Use Permit No. 22-0004 (CUP-22-0004) to permit the sale of beer, wine, and distilled spirits for consumption under a Type 47 Alcoholic Beverage Control (ABC) license (On-Sale General – Eating Place) on the licensee's premises for an existing sit-down restaurant in a tenant space of 2,761 square feet located in the Highway Commercial (HC) Zone District at 555 N. Benson Ave., Suite J (APN: 1007-27-01). (Staff Planner: Jessica Anaya)

**CEQA Determination:** This project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19, Section 15301, Existing Facilities, Class 1 (a), of the CEQA Guidelines, since the proposed project consists of a negligible change in use within an existing structure.

**Applicant:** Pueblita Enterprise, 555 N. Benson Ave. Suite J, Upland, CA 91786

**Appeal Period:** The Planning Commission decision is final. An appeal period to contest this decision is February 23, 2023, to March 6, 2023.

Development Services Technician Anaya presented the staff report along with a PowerPoint Presentation, which is on file in the Development Services Department.

Development Services Technician Anaya stated under advisement of the City Attorney conditions 30.7 and 40.23 have been removed.

Chair Aspinall opened the public hearing.

Rudy, resident and applicant's son speaking on behalf of the applicant, indicated their family owns and has operated this restaurant for more than 20 years. He stated the alcohol license will help their business recover from the impacts of the pandemic. Rudy spoke to the safety practices, increased training with staff, and fresh ingredients they will use.

Chair Aspinall asked the applicant if they agree to the conditions of approval. Rudy confirmed they are agreeable.

There being no other remote or in-person speakers, Chair Aspinall closed the public hearing.

It was moved by Commissioner Johnson, seconded by Commissioner Caldwell, and carried on a vote of 6-0, to approve Conditional Use Permit No. 22-0004.

**B. ZONING CODE AMENDMENT NO. 23-0002**

**Project Description:** Consideration of an Ordinance (Zoning Code Amendment No. 23-0002) amending Chapter 17.37 of the Upland Municipal Code related to Accessory Dwelling Units and Junior Accessory Dwelling Units, and determining the ordinance is exempt from the California Environmental Quality Act (CEQA). (Staff Planner: Lorelee Farris)

**CEQA Determination:** Under California Public Resources Code Section 21080.17, the California Environmental Quality Act ("CEQA") does not apply to the adoption of an ordinance by a city or county implementing the provisions of Section 65852.2 of the Government Code, which is California's Accessory Dwelling Unit (ADU) law and which also regulates Junior Accessory Dwelling Units, as defined by Section 65852.22. Therefore, the proposed ordinance is statutorily exempt from CEQA in that the proposed ordinance implements the State's ADU law.

**Applicant:** City of Upland, 460 North Euclid Avenue, Upland, CA 91786

**Appeal Period:** There is no appeal period, the Planning Commission's decision is a recommendation to the City Council.

Planning Manager Farris presented the staff report along with a PowerPoint Presentation, which is on file in the Development Services Department, and noted changes to State Law, the previously adopted Urgency Ordinance, and highlighted various changes to the Resolution that were made upon advisement of the City Attorney.

The Planning Commission inquired about the design standards of accessory dwelling units and if staff knew how many ADU's are suspected to be unpermitted.

Planning Manager Farris confirmed that Accessory Dwelling Units that require an ADU permit will need to meet design criteria to blend the units in with the existing neighborhood and that staff did not have any statistics on how many unpermitted ADU's exist within City limits but noted that unpermitted ADUs were not common.

Chair Aspinall opened the public hearing.

There being no remote or in-person speakers, Chair Aspinall closed the public hearing.

Discussion ensued regarding the design guidelines for accessory dwelling units which are subject to an ADU permit, specifically related to privacy and screening alternatives to requiring frosted glass and clerestory windows requirement, including utilizing fencing and landscaping for screening an ADU from adjacent properties or from the street.

The Planning Commission recommended changes to amend the architectural and design requirements to allow eave and gable overhangs to be less than 12 inches if they are designed to match the primary unit; amend the architectural and design requirements to set a minimum height requirement of five feet for fences or walls when they are being used to screen an ADU or prevent a direct line of sight to an adjoining residential property; to remove the architectural and design requirement which requires windows and doors in an ADU that are less than 30 feet from a property

line this is not a public right-of-way line, either be windows with the bottom of the glass at least six feet above the finished floor or use frosted or obscure glass on the windows and doors; remove landscape requirements which requires at least one 15-gallon size plant be provided for every five linear feet of exterior wall, or one 24" box size plant be provided for every ten linear feet of exterior wall; and to amend the wall height to five (5) feet, amend the landscape requirements to revises the height of landscaping and fencing used as screening to be five feet high.

It was moved by Commissioner Mayer, seconded by Commissioner Staton, and carried on a vote of 6-0, to approve a resolution recommending that the City Council approve Zoning Code Amendment No. 23-0002, as amended.

## **9. BUSINESS ITEMS**

A. Consideration of the annual Planning Commission meeting schedule for 2023. (Staff Person: Jamie Davidson)

Management Analyst Davidson presented conflicts with the regularly scheduled meeting dates for 2023 and suggested the dates be amended.

It was moved by Commissioner Staton, seconded by Commissioner Mayer, and carried on a vote of 6-0, to reschedule the November and December Planning Commission meeting to November 15, 2023, and December 13, 2023.

## **10. PLANNING COMMISSION COMMENTS**


Commissioner Marotte spoke against racial bullying and hate speech.

## **11. ADJOURNMENT**

It was moved by Commissioner Mayer, seconded by Commissioner Caldwell, and carried on a vote of 6-0 to adjourn the meeting.

At 7:45 p.m., Chair Aspinall adjourned the meeting. The next regularly scheduled Planning Commission meeting is Wednesday, March 22, 2023.

**SUBMITTED BY**

  
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Robert D. Dalquest, Secretary

**APPROVED**

April 26, 2023